

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 10/1/2013	(3) CONTACT/PHONE Terry Wahler, Senior Planner / (805) 781 5621	
(4) SUBJECT Request to authorize service of a partial notice of nonrenewal of a land conservation contract for the Landau Corporation pursuant to the California Land Conservation Act of 1965. District 4			
(5) RECOMMENDED ACTION Recommend the Board of Supervisors authorize service of the Landau Corporation Notice of Partial Nonrenewal of land conservation contract and direct Clerk-Recorder to record it.			
(6) FUNDING SOURCE(S) Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Partial Notice of Nonrenewal			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A    Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW  Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) District 4 -			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Terry Wahler, Senior Planner

VIA: Nancy Orton, Division Manager, Planning Division

DATE: 10/1/2013

SUBJECT: Request to authorize service of a partial notice of nonrenewal of a land conservation contract for the Landau Corporation pursuant to the California Land Conservation Act of 1965. District 4

## **RECOMMENDATION**

Recommend the Board of Supervisors authorize service of the Landau Corporation Notice of Partial Nonrenewal of land conservation contract and direct Clerk-Recorder to record it.

## **DISCUSSION**

The following is a brief description of the applicant's request.

File Number: AGP2012-00008 – Request to authorize service of a partial notice of nonrenewal of a land conservation contract for the Landau Corporation. The property consists of 46 acres located within the Agriculture land use category on the eastern side of Upper Lopez Canyon Road approximately  $\frac{3}{4}$  of a mile north of Lake Lopez and 8.5 miles north east of the city of Arroyo Grande. The site is in the Los Padres planning area. APN: 048-051-052.

The Williamson Act and the County's Rules of Procedure for the agricultural preserve program require that partial notices of nonrenewal of land conservation contracts are reviewed to ensure that the remaining portion of the contracted property remains eligible for the program. Although the County must record properly filed notices of nonrenewal, and therefore does not have discretion on the filing of the notice, the County may pursue a County-initiated notice of non-renewal on the remaining portion if it does not meet the terms of its contract or is otherwise ineligible for the program due to the forthcoming removal of a portion of the contracted land. The Rules of Procedure require that partial notices of nonrenewal be authorized by your Board.

The land owners made a timely filing of a partial notice of nonrenewal request involving a total of approximately 46 acres covered by a single contract, a portion of the total acreage under contract.

The parcel subject to the request for partial nonrenewal is one of five existing parcels within the remaining contract. These five parcels were determined to be legal parcels and received Certificates of Compliance (C.C. O.R. 11-034360).

The parcel is part of Arroyo Grande Valley Agricultural Preserve No. 13 established March 18, 1974 by Ordinance No. 1355, and part of a land conservation contract entered into on April 22, 1974 recorded on April 30, 1974 as book 1776, Page 324 through 339, inclusive.

The original contract included approximately 814 acres, however a previous partial notice of nonrenewal in 1995 (OR 1995-042804) removed approximately 423 acres resulting in 391 acres remaining under land conservation contract. The current partial non-renewal would reduce the land in contract to approximately 345 acres. The contract has a minimum parcel size of 320 acres. At 345 acres, the reduced acreage would be consistent with the contract minimum parcel size.

The contract began with a term of 20 years in 1974 but once the first 10 years of the term ran down, it has been maintaining a 10 year minimum term with the standard annual renewal provision contained in all standard form contracts.

The parcel subject to partial non-renewal is steeply sloping with limited flat areas suitable for grazing and is geographically isolated from the rest of the property. This portion of the property is not used for grazing and the land owner would like to remove this unused parcel from the rest of the property for possible future sale.

Staff has therefore concluded that the remaining portion of the contract subject to this minimum parcel size would remain eligible for the program and would remain in conformance with the original contract. No amendment to the contract would be necessary, and there would be no basis for the County to initiate a notice of nonrenewal on the remaining contracted land, or require that this Nonrenewal include the remaining portion of the property under this contract.

## **OTHER AGENCY INVOLVEMENT**

The Partial Notice of Nonrenewal was discussed at the Agricultural Preserve Review Committee meeting of April 22, 2013 and the continuing eligibility of the remaining land under the land conservation contract was acknowledged. It has also been reviewed and approved as to form and legal effect by County Counsel and will need to be recorded by the County Clerk-Recorder. The Department of Planning and Building will send a copy of the recorded notice to the State Director of Conservation and notify the Assessor's Office of the nonrenewal through its annual report of contract activity.

## **FINANCIAL CONSIDERATIONS**

County property tax revenues will increase for the portion of the property being nonrenewed beginning in late 2014 based on a graduated increase in the valuation from Williamson Act value to fair market value or Proposition 13 rate, if applicable, during the nonrenewal period.

## **RESULTS**

The portion of the land owner's property subject to nonrenewal will continue in agricultural land use until the contract terminates in 2023, at which time the owner may submit an application to disestablish the underlying agricultural preserve and pursue other land use options.

## **ATTACHMENTS**

- Attachment A - Notice of Partial Nonrenewal of Land Conservation Contract
- Attachment B - Agricultural Preserve Review Committee Staff Report
- Attachment C - Excerpts from the minutes of the April 22, 2013  
Agricultural Preserve Review Committee meeting